

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

JOHN THIBODEAUX, ET AL

CASE NO. 6:18-CV-00501 LEAD

VERSUS

JUDGE SUMMERHAYS

J.M. DRILLING, LLC. ET AL

MAGISRATE JUDGE WHITEHURST

THIRD AMENDED COMPLAINT

Now into court, through undersigned counsel, comes Plaintiffs, John Thibodeaux, Amy Thibodeaux, Gabrielle Thibodeaux, and Emily Thibodeaux, who amend their Original, First Amended, and Second Amended Complaint as follows:

I.

Plaintiffs amend their Original, First Amended, and Second Amended Complaint to add the following additional paragraphs:

"4 (A).

"INSIGHT RISK MANAGEMENT, LLC. is a foreign limited liability company organized and existing under the laws of the State of Delaware, who may be served through its registered agent for service of process, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

4 (B).

INSURISK EXCESS & SURPLUS LINES, a foreign insurance company/broker organized and existing under the laws of the

State of Arkansas, who may be served through its agent for service of process, Corporation Service Company, 300 Spring Building, Ste. 900, 300 S. Spring Street, Little Rock, Arkansas 72201."

II.

Plaintiffs amend their Original, First Amended, and Second Amended Complaint to add the following additional paragraphs:

"42 (A) .

Plaintiffs, John Thibodeaux, Amy Thibodeaux, Gabrielle Thibodeaux, and Emily Thibodeaux, seek execution of their outstanding Judgment.

42 (B) .

ROCKHILL has denied its Commercial Follow Form Policy that is the subject of this litigation provides excess insurance coverage regarding the claims asserted by the Thibodeaux Plaintiffs in this matter.

42 (C) .

J.M. DRILLING has amended to alternatively assert negligence actions against insurance agent, INSIGHT, and insurance broker, INSURISK, in the event ROCKHILL's Commercial Follow Form Policy is determined not to provide excess insurance coverage regarding the claims asserted by the Thibodeaux Plaintiffs in this matter.

42 (D) .

J.M. DRILLING asserts that it requested its insurance agent, INSIGHT RISK MANAGEMENT LLC, and/or insurance broker, INSURISK, obtain full insurance coverage for its business operations and activities, including excavation and digging, for the time period covering the events involved in Plaintiff's accident which is the subject of the outstanding judgment seeking to be enforced in this matter.

42(E).

Upon information and belief, INSIGHT RISK MANAGEMENT LLC retained, relied on, utilized and/or went through INSURISK EXCESS & SURPLUS LINES, an insurance broker, to assist with obtaining the full insurance coverage requested by J.M. DRILLING for its business operations and activities, including excavation and digging, for the time period covering the events involved in Plaintiff's accident.

42(F).

Upon information and belief, as a result of INSIGHT RISK MANAGEMENT LLC and INSURISK EXCESS & SURPLUS LINES's advice, services, and/or actions, the ROCKHILL Commercial Follow Form Policy that is the subject of this litigation was procured and issued to J.M. DRILLING.

42(G).

In the alternative, in the event the ROCKHILL Commercial Follow Form Policy that is the subject of this litigation is

determined not to provide excess insurance coverage regarding the claims asserted by the Thibodeaux Plaintiffs in this matter, than Plaintiffs assert negligence claims against insurance agent, INSIGHT, and insurance broker, INSURISK, for negligently failing to procure full insurance coverage as requested by J.M. DRILLING, which negligence results in them being liable to the Thibodeaux Plaintiffs for the claims they have asserted herein, including payment of the outstanding Judgment.

CONCLUSION

For the foregoing reasons, Plaintiffs, John Thibodeaux, Amy Thibodeaux, Gabrielle Thibodeaux, and Emily Thibodeaux, pray that this Third Amended Complaint herein be duly filed and that the appropriate Citations be issued for service of Plaintiffs' Original, First Amended, Second Amended and Third Amended Complaint on Defendants, INSIGHT RISK MANAGEMENT, LLC and INSURISK EXCESS & SURPLUS LINES, and that this Third Amended Complaint be electronically served on Defendants, J.M. DRILLING LLC and ROCKHILL INSURANCE COMPANY, through their counsel of record, requiring all Defendants to answer all allegations of these Complaints as amended, and, after due proceedings be had, there be Judgment in favor of Plaintiffs, against Defendants, together with legal interest and costs.

AND FOR ALL OTHER GENERAL AND EQUITABLE RELIEF, ETC.

Respectfully Submitted,

/s/ Edward O. Taulbee, IV
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CERTIFICATE

I hereby certify that a copy of the above and foregoing has
this day been electronically mailed to all counsel of record.

Lafayette, Louisiana, this 13 day of November 2019.

/s/ Edward O. Taulbee
Edward O. Taulbee, IV.-#12669